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PTO/SB/04 (08-03)

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OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 25232.0002
First named Inventor: Shirwan Alpasha Al Bahdani		
Application No.: 09/582,634	Art Unit: 3748	
Filed: 9/13/00	Examiner: Trieu, Thai Ba	
Title: Shirwo System (A New Internal Combustion Power System)		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 308-6916		
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p> <p align="center">APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. <ol style="list-style-type: none"> 1. Petition fee <input checked="" type="checkbox"/> Small entity - fee \$665 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity - fee \$_____ (37 CFR 1.17(m)) 2. Reply and/or fee <ol style="list-style-type: none"> A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply): <input type="checkbox"/> has been filed previously on _____. <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee of \$ _____ <input type="checkbox"/> has been paid previously on _____. <input type="checkbox"/> is enclosed herewith. 		

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This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/64 (08-03)

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

July 9, 2004

Date

Signature

John P. Mulgrew (Reg. No. 47,809)

Typed or printed name

3000 K Street, NW, Suite 300

Address

Washington, DC 20007-5116

Address

Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other : _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

Date

Signature

John P. Mulgrew (Reg. No. 47,809)

Typed or printed name of person signing certificate

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Shirwan Al Pasha Al Bahdaini

Attorney Docket No.: 25232.0002

Application No.: 09/582,634

Group Art Unit: 3748

Filed: September 13, 2000

Examiner: T. Trieu

For: SHIRWO SYSTEM

OFFICIAL

**PETITION FOR REVIVAL OF AN UNINTENTIONALLY
ABANDONED PATENT APPLICATION UNDER 37 CFR 1.137(b)**

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Attention: Office of Petitions
Assistant Commissioner for Patents
BOX: DAC
Washington, D.C. 20231

Sir:

Applicant, through the undersigned, files this Petition for revival of this application, which appears to have become abandoned for failure to file a timely and proper reply to the Final Office Action dated January 23, 2003. This Petition is accompanied by the reply to the outstanding Office Action, the petition fee as set forth in 37 C.F.R. § 1.17(m), and Applicant's statement that the entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unintentional. In further support of this petition, Applicant submits the following remarks in compliance with the requirements of 37 CFR 1.137(b):

1. Petition Fee:

The fee for filing this petition for the revival of an unintentionally abandoned application is believed to be \$665 (Applicant qualifies for small entity status). Please charge the appropriate fee, including any credit or overpayment, to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 195127 (order no. 25232.0002). A fee transmittal sheet is enclosed.

2. Reply

In addition to including a reply to the Final Office Action, Applicants submit herewith a Request for Continued Examination (RCE) with provision for payment of the requisite fee.

Applicants believe that the filing of the Response and RCE satisfies the reply requirement of this petition.

3. Terminal Disclaimer

Applicants believe no terminal disclaimer is required for this petition since this utility application was filed after June 8, 1995.

4. Entire Delay was Unintentional

The entire delay in filing the required reply from the reply due date for the Final Office Action until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Due to the length of time that has transpired since the date of the Final Office Action, Applicant submits the following explanation in support of this petition:

On January 23, 2003, the Examiner issued a final rejection in connection with Patent Application No. 09/582,634. The shortened statutory period for reply to that Office Action was set to expire three months from the mailing date of the Office Action, namely, April 23, 2003. On February 6, 2003, Applicant sent a letter to the Examiner and the Supervisory Patent Examiner regarding the Office Action and his reply thereto. On March 11, 2003, Applicant sent a further letter to the Supervisory Patent Examiner inquiring about the possibility of delaying prosecution of the Application. On April 15, 2003, Applicant requested an extension of time to file the reply to the Office Action. On May 7, 2003, the Office issued a notice granting the extension of time to reply to July 23, 2003. On May 23, 2003, Applicant sent another letter to the Supervisory Patent Examiner regarding the extension request and his understanding that the extension would give him until September 23, 2003 to file his response to the Office Action. On May 28, 2003, the Office issued a notice stating that the maximum period for response to the Office Action was six months from mailing of the Office Action, and therefore, the response was due by July 23, 2003. On July 10, 2003, Applicant filed a response to the January 23, 2003 Office Action. Then on July 11, 2003, Applicant requested a further extension of time.

On August 6, 2003, the Office issued a further action indicating that Applicant's previous response failed to place the Application in condition for allowance. This Office Action set a three month response period from the date of mailing, requiring that Applicant respond by November 6, 2003. However, due to unknown mail delivery problems Applicant did not receive the August 6, 2003 Office Action until October 29, 2003. Therefore, on October 31, 2003, Applicant requested an extension of time to reply to this Office Action.

To date Applicant has received no response to this extension request. Nor has Applicant received a Notice of Abandonment of the Application. However, in connection with monitoring the status of the Application, Applicant recently discovered that the Application has been abandoned. Applicant respectfully submits that the delay in filing a response to the August 6, 2003 Office Action was unintentional. Therefore, Applicant has promptly submitted this Petition and any delay in submitting this Petition is unintentional.

The Examiner and the Supervisory Patent Examiner have been extremely helpful in assisting Applicant with the prosecution of his Application. However, numerous factors have contributed to the problems in handling this Application, many of which are notable in the exhibits described above. In particular, Applicant filed and, until recently, has prosecuted this Application *pro se*. Applicant is an Iraqi national, now living in Switzerland, and is extremely unfamiliar with the United States Patent laws and the Office's procedures. Applicant's English is limited. Applicant has been displaced from his home in Iraq as a result of war in his country and has extremely limited access to resources that would assist him in prosecution of this Application. The war in Iraq and sanctions against that country have also prevented him from acquiring items, such as documents and affidavits, that would be useful in prosecution of this Application. Additionally, there have been several instances of problems with mail delivery due to Applicant's residence in a foreign country. The combination of these factors has made it extremely difficult for Applicant to promptly deal with many issues raised by the Examiner.

However, as demonstrated by the exhibits attached hereto, Applicant currently has no intent to abandon this Application and never had any such intent. His repeated requests for extensions of time are clear proof of his intent to continue prosecution of this Application.

For these reasons it is clear that Applicant's failure to reply to the Office Action was unintentional and Application No. 09/582,634 should be reinstated, pursuant to 37 C.F.R. § 1.137(b).

5. Power of Attorney

Applicants also submit herewith a copy of a Power of Attorney authorizing the undersigned to prosecute this application and transact any other business connected therewith in the U.S. Patent Office.

CONCLUSION

Authorization for the fee for this petition is provided above, and authorization for the filing of an RCE is attached herewith. A fee transmittal sheet is also enclosed. No other fees are believed to be due for this petition at this time. Should any fee be required, however, please charge such fees to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 195127 (order no. 25232.0002).

Respectfully submitted,
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

Dated: July 9, 2004

By: 

John P. Mulgrew, Registration No. 47,809
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007
(202) 424-7756 Telephone
(202) 295-8478 Facsimile